

In the Indiana Supreme Court



STATE OF INDIANA <i>ex rel.</i>)	Supreme Court No.
Glenn D. COMMONS, <i>et al.</i> ,)	45S00-1303-OR-209
Relators,)	
)	
v.)	
)	
THE HON. JOHN R. PERA, as CHIEF)	
JUDGE OF THE LAKE SUPERIOR)	
COURT, <i>et al.</i> ,)	
Respondents.)	

ORDER

This original action is pending on Relators' application for a permanent writ of mandamus and prohibition, seeking relief under the Rules of Procedure for Original Actions against Respondents. On April 3, 2013, R. Cordell Funk, counsel for Relators, filed a request for an "order that in effect waives any appearance of impropriety and thus allows counsel to resume practicing in the Lake Circuit Court and all divisions of the Lake Superior Court except a part of the Juvenile Division." (Req. for Waiver at 3-4.) On April 12, 2013, Respondents filed their response.

Having been duly advised in the premises, this Court finds:

1. A judge who is named as a respondent in an original action is not required to disqualify from other matters in which the counsel for a relator in such original action has also appeared. The nature of original actions often requires such actions to name judges as responding parties, but this does not necessarily create a reasonable perception of partiality on the part of that judge as to other matters in which the relator's attorney is involved.
2. While such disqualification is not systematically required, each judge named as a respondent in an original action may nevertheless determine that disqualification is appropriate pursuant to Indiana Code of Judicial Conduct Rule 2.11(A), due to the individual circumstances of any particular case as applied to such judge.
3. If any judge or group of judges named as respondents in an original action disqualifies from other actions in which an appearing attorney also represents a relator in an original action against such judge or judges, such disqualification does not preclude that attorney from practicing in any court because any such disqualification will be filled with a replacement judge as provided by law.

The Clerk is directed to send a copy of this order to all counsel of record. The Clerk is also directed to post a copy of this order on the Court's website.

Done at Indianapolis, Indiana, on April 16th, 2013.

A handwritten signature in black ink, reading "Brent E. Dickson". The signature is written in a cursive style with a horizontal line underneath the name.

Brent E. Dickson
Chief Justice of Indiana

All Justices concur.